

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

DWAYNE PHILLIPS, *et al.*,

Plaintiffs,

v.

**RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA, *et al.*,**

Defendants.

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Civil Action No. 3:22-cv-00075

**By: Hon. Robert S. Ballou
United States District Judge**

ORDER

For the reasons stated in the accompanying memorandum opinion, the Court enters the following orders:

- Official-Capacity Defendants’ Motion to Dismiss All Claims Against Them in Plaintiffs’ Second Amended Complaint (Dkt. 88) is **GRANTED in part** and **DENIED in part**. Plaintiffs’ federal and Virginia constitutional claims against Official Capacity Defendants are **DISMISSED as moot**. The Title VII claims of Plaintiffs Phillips, Boker, McCarthy, Parsnow, and Sheppard are **DISMISSED without prejudice**.
- Motion to Dismiss Plaintiffs’ Second Amended Complaint by Defendants K. Craig Kent and Wendy Horton in Their Individual Capacities (Dkt. 86) is **GRANTED**. Plaintiffs’ federal constitutional claims against Personal Capacity Defendants are **DISMISSED with prejudice** and Plaintiffs’ Virginia constitutional claims against them are **DISMISSED without prejudice**.
- Motion to Dismiss Plaintiffs’ Second Amended Complaint of Defendants Frederick and Hoffman (Dkt. 90). Plaintiffs’ federal constitutional claims against Personal Capacity

Defendants are **DISMISSED with prejudice** and Plaintiffs' Virginia constitutional claims against them are **DISMISSED without prejudice**.

It is **SO ORDERED**.

Entered: March 20, 2024

Robert S. Ballou

Robert S. Ballou
United States District Judge